

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-091087

10/19/2011

HONORABLE JAMES P. BEENE

CLERK OF THE COURT

C. Gauna

Deputy

IN RE THE MATTER OF  
AMANDA L JOHNSON

AMANDA L JOHNSON  
2435 N MCALLISTER AVE # 111  
TEMPE AZ 85281

AND

RALPH MORALES III

RALPH MORALES III  
6714 E VERNON  
SCOTTSDALE AZ 85257

DOCKET-FAMILY COURT-SE  
FAMILY COURT SERVICES-CCC

**UNDER ADVISEMENT RULING  
JUDGMENT**

On February 22, 2011, Petitioner/Mother filed a petition to establish paternity, child custody, parenting time and child support. On March 9, 2011, Respondent/Father filed a response. On August 12, 2011, Mother then filed a petition to enforce child support and for order for updated employer information form. Mother and Father testified at the hearing. Based upon the evidence presented at the hearing, the Court issues the following order:

**LEGAL CUSTODY**

This Court has jurisdiction as Arizona is the "home state" of the minor child. In accordance with A.R.S. § 25-403, the Court finds that it is in the best interest of the minor child for the parties to be awarded joint legal custody of the minor child. In making this finding, the Court considered the factors set forth in A.R.S. §§ 25-403(A) and 25-403.01(B).

**IT IS THEREFORE ORDERED** as follows:

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- A. The parties are awarded joint legal custody of the minor child, Nathaniel Morales (DOB: February 20, 2006).
- B. Each parent is entitled to full and unrestricted access to all medical, dental, prescription and health related records of the child and may secure information from and consult with all health care professionals involved with the minor child. Each party shall keep the other parent informed of the names, addresses and telephone numbers of all health care providers of the child.
- C. Each parent is entitled to full and unrestricted access to all school records, teachers and school officials involved in the child's schooling.
- D. Both parents shall be listed and identified as contact persons on all records.
- E. In the event of any emergency or urgent circumstance involving the child, the other parent shall be notified as soon as is reasonably possible.
- F. Each parent shall have the right to attend and participate in school, extra-curricular, conference, organized activity or other similar event in which parents are routinely invited or permitted to attend.
- G. Each parent shall keep the other apprised of his/her home address, home telephone number, employer and address, work telephone number and, if applicable, cellular telephone number and e-mail address.
- H. It is in the furtherance of the child's best interests for the parents to confer and for the views of each parent to be considered. There shall be communication between the parents to address day-to-day and more significant issues. They shall develop their communication by utilizing e-mail as their primary method for communication. This shall afford a method that ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.
- I. It is anticipated that parental decisions shall be required for major issues in raising the child and in meeting his on-going needs. If/when they arise, the parents shall address the issues. Each shall give good faith consideration to the views of the other. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input. If the parents cannot agree after making a good faith effort to come to an agreed upon decision, Mother shall have decision

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making authority. This level of authority shall allow Mother the right to make the *final* decision that she shall then communicate to Father. If Father believes that Mother's decision is contrary to the best interests of the child, he shall have the right to seek review thereof through the Court. Father shall have the burden to demonstrate that the decision made by Mother is contrary to the child's best interests. It shall not be sufficient for Father to demonstrate that an alternative decision may have also been in the interest of the child.

**PHYSICAL CUSTODY**

As part of the joint legal custody award, neither party shall be designated as the primary residential parent. The parties' parenting time with the minor child shall be as follows:

Weeks 1 and 3: Father shall have care of the child Wednesday at 3:00 p.m. (after school during the school year) until Saturday at 9:00 a.m. Then, Mother shall have care of the minor child Saturday at 9:00 a.m. until Thursday at 8:00 a.m. (the minor child shall be dropped off at school during the school year).

Weeks 2 and 4: Father shall have care of the minor child Thursday at 3:00 p.m. (after school during the school year) until Monday at 8:00 a.m. (the minor child shall be dropped off at school during the school year). Then, Mother shall have care of the minor child Monday at 3:00 p.m. (after school during the school year) until Wednesday at 8:00 a.m. (the minor child shall be dropped off at school during the school year).

For holidays, the parties shall utilize the following schedule which shall take priority over the regular or summer access schedule:

- a. Three-Day Weekends (Civil Rights Day, Columbus Day, Presidents' Day, Memorial Day, Labor Day, etc.). The minor child will remain with the parent that had the weekend until 6:00 p.m. on Monday.
- b. New Year's Eve. The minor child will be in Mother's care in the odd-numbered years and in Father's care in the even-numbered years from 10:00 a.m. until 10:00 a.m. the next day.
- c. New Year's Day. The child will be in Mother's care in the odd-numbered years and in Father's care in even-numbered years from 10:00 a.m. until 6:00 p.m.
- d. Easter. The minor child will be in Father's care in the odd-numbered years and in Mother's care in the even-numbered years from 10:00 a.m. until 6:00 p.m.

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- e. Spring Break. Mother will have the minor child in even-numbered years and Father will have the children in odd-numbered years from the last day of school until the next school day after the break.
- f. Mother's Day. The minor child will be with Mother every year from Saturday at 6:00 p.m. until Sunday at 6:00 p.m.
- g. Father's Day. The minor child will be with Father every year from Saturday at 6:00 p.m. until Sunday at 6:00 p.m.
- h. Fourth of July. The minor child will be in Mother's care in the odd-numbered years and in Father's care in the even-numbered years from 4:00 p.m. until 9:00 a.m. the next day.
- i. Halloween. The minor child will be in Mother's care in the odd-numbered years and in Father's care in the even-numbered years from after school until 9:00 p.m.
- j. Fall Break. Father will have the minor child in even-numbered years and Mother will have the minor child in odd-numbered years from the last day of school until the next school day after the break.
- k. Thanksgiving. The minor child will be in Mother's care in the odd-numbered years and in Father's care in the even-numbered years from 10:00 a.m. until 9:00 p.m.
- l. Christmas Eve. The minor child will be in Mother's care in the odd-numbered years and in Father's care in the even-numbered years from 9:00 a.m. until 9:00 a.m. the next day.
- m. Christmas Day. The minor child will be in Father's care in the odd-numbered years and in Mother's care in the even-numbered years from 9:00 a.m. until 9:00 a.m. the next day.
- n. Winter Break. The parties shall split Winter Break equally by the number of overnights and on the day of transition, the parties shall exchange the minor child at 12:00 p.m.
- o. Child's Birthdays. Each parent may spend up to three (3) hours of parenting time with the minor child on their birthday.
- p. Parent's Birthdays. Each parent may spend up to three (3) hours of parenting time with the child if he or she so desires.

This weekday and weekend schedule will apply for all twelve (12) calendar months, with no specific changes during the summer months.

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Each parent may schedule two (2), non-consecutive, one-week vacation periods with the child from Sunday until the following Sunday during the minor child's summer vacation. A parent intending to exercise vacation travel shall provide the other parent with no less than thirty (30) days advance written notice of the intention to exercise vacation time with the child. The vacation shall not be scheduled in a fashion that would interfere with holiday time assigned to the other parent above. In the event of a conflict regarding summer break vacation times, Father's schedule shall have priority in odd-numbered years and Mother's schedule shall have priority in even-numbered years. The parent planning to vacation with the child will provide the other parent with a written itinerary no less than twenty (20) days before departure, which shall include travel dates, destination(s), and places where the child and that parent can be reached during the vacation.

Father shall be responsible for picking up and dropping off the minor child for his parenting time. Father shall pick up the minor child at the curbside of Mother's residence. Father shall arrive no earlier and no later than fifteen (15) minutes from the specified exchange time. Father shall remain in the car at all times. Mother shall remain in the home at the front door to observe the exchange of the minor child. If necessary, Father may assist the minor child in entering the car.

Each parent may have reasonable telephone contact with the minor child during the child's normal waking hours.

Neither parent shall relocate the residence of the child outside of Arizona without prior written consent of the other parent or court order.

**IT IS ORDERED** that in the event the parties are unable to agree in the future regarding fundamental decisions or parenting time for the minor child, they shall participate in mediation through Conciliation Services or in private or community-based mediation or counseling prior to seeking further Court intervention.

**CHILD SUPPORT**

For child support purposes, the Court makes the following findings:

Mother's Income	\$1,250.00
Father's Income	\$1,273.00
Adjustments to Father's Income	\$0.00
Adjustments to Mother's Income	\$0.00
Basic Support Obligation	\$507.00
Over 12 Adjustment	\$0.00

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Child Care Paid by Mother	\$160.00
Child Care Paid by Father	\$160.00
Health Insurance Paid by Mother	\$110.00
Parenting Time Adjustment (182 days)	50.0 percent

In applying these findings under the Arizona Child Support Guidelines,

**IT IS ORDERED that Father shall pay child support to Mother in the total amount of \$60.00 per month, commencing October 1, 2011.** All payments shall be made through the Support Clearinghouse via an automatic Order of Assignment issued this date. Father is advised that until such time as the Order of Assignment becomes effective, Father has an affirmative obligation to pay the child support directly to the Support Clearinghouse.

LET THE RECORD REFLECT an Order of Assignment is initiated electronically by the above-named deputy clerk.

All obligations for child support shall terminate when the child attains the age of 18 years or is otherwise emancipated, but in the event any child attains the age of 18 years while attending high school, support shall continue to be provided during the period in which said child is actually attending high school but only until the child reaches 19 years of age. Provisions for health insurance and non-insured health expenses for the child, as provided for below, shall be deemed to be additional child support and shall be enforceable as such.

Pursuant to A.R.S. § 25-503(I), the right of a parent, guardian or custodian to receive child support payments as provided herein vests as each installment falls due. Each vested child support installment is enforceable as a final judgment by operation of law.

**CHILD SUPPORT ARREARS**

On May 19, 2011, the Court ordered Father to pay Mother \$243.00 a month for temporary child support. At the hearing, it was established that Father failed to pay the temporary child support order from February 1, 2011 through September 30, 2011. Therefore,

**IT IS ORDERED** entering Judgment in favor of Mother and against Father in the principal sum of \$1,944.00 representing Father's past child support obligation for the time period of February 1, 2011 through September 30, 2011. Father shall pay Mother no less than \$100.00 per month regarding Father's child support arrearages in addition to the child support award set forth above. All payments shall be made through the Support Clearinghouse via an automatic Order of Assignment issued this date

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**CHILD'S INSURANCE**

**IT IS ORDERED** that Mother shall maintain medical insurance for the minor child. Mother shall ensure that Father is kept informed at all times of the name and address of the insurance provider as well as the policy number. Additionally, Mother shall provide Father with valid insurance cards and policy information and update information changes.

**IT IS FURTHER ORDERED** that any non-covered medical, dental, orthodontic, optical, prescription expenses as well as deductibles and co-pays shall be paid 50 percent by Father and 50 percent by Mother. Any parent who seeks reimbursement for such an expense shall provide proof of the expense to the other parent within sixty (60) days, and shall receive the reimbursement within sixty (60) days after notice is given.

**DEPENDENCY EXEMPTION**

**IT IS ORDERED** that every even-numbered year Mother may claim the minor child as a dependency exemption and every odd-numbered year Father may claim the minor child as a dependency exemption. If the party entitled to the exemption does not realize a financial benefit from the exemption for a given tax year, the other party shall be entitled to claim the tax exemption for that tax year.

**IT IS FURTHER ORDERED** that Father's right to claim the exemption in any given year is conditioned upon payment by Father by December 31<sup>st</sup> of the total Court-ordered monthly child support obligation for that calendar year and any Court ordered arrearage payments due during the calendar year for which the exemption is to be claimed.

**IT IS FURTHER ORDERED** that each party shall execute any forms required in order to implement these terms.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

DATED the 19th day of October, 2011

/S/ HONORABLE JAMES P. BEENE

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JAMES P. BEENE  
JUDGE OF THE SUPERIOR COURT

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

RALPH MORALES III: Non IV-D Payment Instructions, Current Employer Information